

ACT 181

S.B. NO. 665

A Bill for an Act Relating to Violations of Campaign Finance Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-410, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) ~~[This section]~~ Subsections (a) through (f) shall not apply to any person who, ~~[prior to]~~ before the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by sections 11-340 and 11-391(b).”

SECTION 2. Section 11-411, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-411]]~~ **Criminal referral.** ~~[In lieu of]~~ In addition to an administrative determination that a violation of this part has been committed, the commission may refer the complaint to the attorney general or county prosecutor at any time ~~[it]~~ the commission believes the respondent may have recklessly, knowingly, or intentionally committed a violation.”

SECTION 3. Section 11-412, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-412]]~~ **Criminal prosecution.** (a) Any person who recklessly, knowingly, or intentionally violates any provision of this part shall be guilty of a misdemeanor~~[-]~~, unless another criminal penalty is specified.

(b) Any person who knowingly or intentionally falsifies any report required by this part with the intent to circumvent the law or deceive the commission or who violates section 11-352 or 11-353 shall be guilty of a class C felony. A person charged with a class C felony shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea under chapter 853.

(c) Any person who intentionally provides false information concerning the name or address of the person paying for an advertisement that is subject to the requirements of section 11-391 shall be guilty of a class C felony.

~~[(e)]~~ (d) A person who is convicted under this section shall be disqualified from holding elective public office for a period of ~~[four]~~ ten years from the date of conviction.

~~[(d)]~~ (e) For purposes of prosecution for violation of this part, the offices of the attorney general and the prosecuting attorney of the respective counties shall be deemed to have concurrent jurisdiction to be exercised as follows:

- (1) Prosecution shall commence with a written request from the commission ~~[of]~~, upon the issuance of an order of the court~~[-]~~, or upon the exercise of the law enforcement authority of the attorney general or prosecuting attorney; provided that prosecution may commence ~~[prior to]~~ before any proceeding initiated by the commission or final determination;
- (2) In the case of statewide offices, parties, or issues, the attorney general or the prosecuting attorney for the city and county of Honolulu shall prosecute any violation; and
- (3) In the case of all other offices, parties, or issues, the attorney general or the prosecuting attorney for the respective county shall prosecute any violation.

~~[It]~~ If prosecution is commenced by a written request from the commission, the ~~[commission's choice of]~~ commission, in choosing the prosecuting agency, ~~[it]~~ shall be guided by whether any ~~[conflicting]~~ conflict of interest exists between the agency and its appointive authority.

~~[(e)]~~ (f) The court shall give priority to the expeditious processing of prosecutions under this section.

~~[(f)]~~ (g) Prosecution for violations of this part shall not commence after five years have elapsed from the date of the violation or date of filing of the report covering the period in which the violation occurred, whichever is later.

~~[(g) This section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by sections 11-340 and 11-391(b).]~~”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)